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MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Fifth Meeting

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 November 1995, at 3 p.m.

Chairman: Mr. SEUNG HO (Republic of Korea)

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OTHER MATTERS (continued)

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The meeting was called to order at 3.20 p.m.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS ARE DUE TO EXPIRE ON 31 DECEMBER 1995, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1-5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (agenda item 5) (CAT/SP/18 and Add.1 and 2)

1. The CHAIRMAN said that, under article 17 of the Convention, States parties were required to elect five members of the Committee against Torture to replace those whose terms expired on 31 December 1995.

2. The names of the candidates nominated by the States parties were contained in document CAT/SP/18 and Add.1 and 2. The latter document also indicated that Panama had decided to withdraw the nomination of its candidate. Annex I to document CAT/SP/18 contained the names of the five members of the Committee whose terms were due to expire on 31 December 1995 and annex II contained the names of the five members who would continue to serve on the Committee until 31 December 1997. Biographical data of the persons nominated, as furnished by the States parties concerned, appeared in annex III to document CAT/SP/18 and in the addenda to that document.

3. At the invitation of the Chairman, Mrs. Doherty (United Kingdom) and Mr. Abdul Azeez (Sri Lanka) acted as tellers.

4. A vote was taken by secret ballot.

The meeting was suspended at 3.40 p.m. and resumed at 4.20 p.m.

5. The CHAIRMAN announced the results of the first ballot, which were:

Number of ballot papers:	72
Invalid ballots:	0
Number of valid ballots:	72
Abstentions:	0
Number of members voting:	72
Required majority:	37
Number of votes obtained:	
Mr. Peter Thomas BURNS (Canada):	51
Mr. Guibril CAMARA (Senegal):	33
Mr. Fawsi EL-IBRASHI (Egypt):	32
Mr. Ricardo GIL LAVEDRA (Argentina):	32
Mr. Alejandro GONZALEZ POBLETE (Chile):	54
Mr. Diomède NAHAYO (Burundi):	3
Mr. Georghios M. PIKIS (Cyprus):	37

Mrs. Napka POLO (Togo):	0
Mr. Waleed SADI (Jordan):	29
Mr. Habib SLIM (Tunisia):	35
Mr. Bostjan M. ZUPANCIC (Slovenia):	41

6. Having obtained the required majority and the largest number of votes, Mr. Burns (Canada), Mr. Gonzalez Poblete (Chile), Mr. Pikis (Cyprus) and Mr. Zupancic (Slovenia) were elected members of the Committee for a four-year term beginning 1 January 1996.

7. The CHAIRMAN announced that, since the number of elected candidates was less than the number of persons to be elected, a second vote would be taken to decide which of the two candidates who had obtained the largest number of votes among those who had not obtained the required majority, namely Mr. Camara and Mr. Slim, would fill the remaining place.

8. A vote was taken by secret ballot.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

9. The CHAIRMAN announced the results of the second ballot, which were:

Number of ballot papers:	72
Invalid ballots:	3
Number of valid ballots:	69
Abstentions:	12
Number of members voting:	57
Required majority:	29
Number of votes obtained:	
Mr. Guibril CAMARA:	33
Mr. Habib SLIM:	10

10. Having obtained the required majority, Mr. Camara (Senegal) was elected a member of the Committee for a four-year term beginning 1 January 1996.

11. The CHAIRMAN congratulated the newly elected members.

OTHER MATTERS (agenda item 6) (continued)

12. The CHAIRMAN invited delegations to take the floor on that item.

13. Mr. NGOUBEYOU (Cameroon) congratulated Mr. Seung Ho (Republic of Korea) on his election as Chairman and Mr. Diaz Duque (Guatemala) on his election as Vice-Chairman. He also expressed warm congratulations to the newly elected members of the Committee against Torture.

14. Reverting to the proceedings of the previous meeting, he requested further information on the procedure followed in the vote on a motion proposed by the Moroccan delegation that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be excluded from the meeting. In particular, he would like to know on what rule of procedure the Chairman had based his decision to hold that vote, which had been by roll-call; his delegation would have preferred a secret ballot. He also asked why the Federal Republic of Yugoslavia (Serbia and Montenegro) had been invited to that meeting and, in that connection, referred to the positions taken by the General Assembly and the Security Council of the United Nations excluding that State from meetings of the Organization. And lastly, he would like to know why the Federal Republic of Yugoslavia (Serbia and Montenegro), which should not be considered a member of the Committee, had been able to vote on a motion which had concerned the work of the Committee and wished to know the reasons why his delegation, which had repeatedly asked to speak on that question, had not been allowed to take the floor.

15. The CHAIRMAN requested the secretariat to provide the information requested by the representative of Cameroon.

16. Mr. BRUNI (Secretariat), replying to the first question asked by the representative of Cameroon, said that the procedure followed at the previous meeting had been that provided for in rule 87 of the rules of procedure of the General Assembly, which, in similar cases, provided for a roll-call vote in English alphabetical order, and not a secret ballot.

17. On the second point, he referred to the position repeatedly taken by the Under-Secretary-General for Legal Affairs, in other words the Legal Counsel of the United Nations, that, in accordance with General Assembly resolutions 47/1 and 47/229, the Federal Republic of Yugoslavia should not participate in the work of the General Assembly or the Economic and Social Council. However, those resolutions, as interpreted by the Office of Legal Affairs, affected neither the membership status of the Federal Republic of Yugoslavia in the United Nations nor its participation in multilateral treaties deposited with the Secretary-General.

18. As to the question why the Federal Republic of Yugoslavia (Serbia and Montenegro) had been able to vote on the motion to exclude it, he pointed out that, until such time as it had been excluded from the meeting, it had been entitled to act as a member, and hence to vote.

19. The CHAIRMAN urged the representative of Cameroon to adopt a conciliatory approach to that point so as not to jeopardize the successful conclusion of the Committee's work.

20. Mr. NGOUBEYOU (Cameroon) said he did not agree with the secretariat's interpretation of rule 87 of the rules of procedure of the General Assembly, which concerned the order in which names were called if it was decided to take a vote by roll-call. The Committee had had before it two proposals concerning the voting procedure, and it should have reached a decision in accordance

with rule 58 of its rules of procedure, which provided for a secret ballot. However, in a spirit of compromise and in defference to the wishes of the Chairman, he would endorse the opinion of the secretariat, while at the same time urging those who contributed to the proper conduct of the Committee's proceedings to conform to the rules in force, the most basic of which consisted in giving the floor to those who asked for it.

21. The CHAIRMAN took note of the statement by the delegation of Cameroon and thanked it for its spirit of compromise.

The meeting rose at 5.30 p.m.